

ORDINANCE NO. 2014-35

Amend the Personnel Ordinance to comply with changes to the Health Insurance Portability and Accountability Act (HIPAA)

Executive Summary

Jefferson County is committed to protecting the privacy of Individually Identifiable Health Information in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Health Information Technology for Economic and Clinical Health (HITECH) Act, and the regulations issued under those laws, including the Privacy Rule, the Security Rule, and the Breach Notification Rule. Jefferson County is subject to these laws and regulations because it performs certain Health Care Provider and Health Plan functions that involve Protected Health Information (PHI), which generally includes Individually Identifiable Health Information that is transmitted or maintained in any form (e.g., written, verbal, electronic, etc.). Among other things, these laws and regulations set standards designed to protect the privacy and security of PHI.

In July 2013, Jefferson County contracted with Boardman & Clark LLP law firm to conduct a HIPAA Privacy Gap Analysis and Risk Assessment. The goal of this project was to provide a complete review of the County's HIPAA policies and procedures, assist in amendment or creation of said policies and procedures, provide training resources and make a recommendation to maintain future policy compliance. These Policies and Procedures outline the County's HIPAA Privacy compliance program. The County maintains discretion to interpret and implement these Policies and Procedures, and, except where limited by applicable law, the County reserves the right to modify, amend, or terminate these Policies and Procedures at its discretion at any time and without prior notice. Because the County is dedicated to compliance with HIPAA and other applicable laws, the County will interpret these Policies and Procedures in a manner that permits the County to comply with its legal obligations.

WHEREAS, the Jefferson County HIPAA/Notice of Privacy Practices was adopted by the County Board of Supervisors in November 2005 and amended in February 2010, and

WHEREAS, changes to State and Federal regulations, as well as County Personnel Ordinance have occurred in the last five years, and

WHEREAS, the Human Resources Committee has reviewed the Notice of Privacy Practices and recommends to repeal and replace Personnel Ordinance HR0440, HIPAA/Notice of Privacy Practices, to comply with State and Federal regulations.

NOW, THEREFORE, BE IT RESOLVED that the Human Resources Committee is authorized to make amendments as necessary to the HIPAA Notice of Privacy Practices and staff is authorized to make administrative amendments to procedures and/or forms necessary to comply with changes in State, Federal or County regulations or ordinances.

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES HEREBY
ORDAIN AS FOLLOWS:

Section 1. Section HR0440, HIPAA/Notice of Privacy Practices, is repealed and recreated as follows:

HR0440 HIPAA/NOTICE OF PRIVACY PRACTICES.

Jefferson County will maintain the privacy and security of protected health information as required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Health Information Technology for Economic and Clinical Health (HITECH) Act, and applicable state law. This includes protected health information held by the County's HIPAA-covered benefit plans, as well as the protected health information held by the County in its role as a HIPAA-covered hybrid entity. The County maintains written policies and procedures regarding the privacy and security of protected health information, as well as a notice of privacy practices regarding the manner in which protected health information is used and disclosed. If an employee (or his or her spouse or dependents) or any individual receiving HIPAA-covered services from the County wants additional information about the County's privacy practices, he or she may contact the Human Resources Department. Or, if an employee or other individual believes that the County may have violated any privacy rights or disagrees with a decision made about any privacy rights, he or she may file a complaint with the County's HIPAA Privacy Officer. The individual may also file a complaint with the Secretary of the U.S. Department of Health and Human Services. The County supports the right of employees and other individuals to have their health information treated in a private fashion, and the County will not retaliate in any way if an employee or other individual chooses to file a complaint.

Section 2. This ordinance shall be effective after passage and publication as provided by law.

Fiscal Note: No fiscal impact.

Adopted by the Jefferson County Board of Supervisors this 10th day of February 2015.

s/Jim Schroeder

Jim Schroeder

Chair

ATTEST:

s/Barbara A. Frank

Barbara A. Frank, County Clerk

Published this 13th day of February 2015.

Ayes: VOICE VOTE Noes_____ Abstain_____ Absent_____ Vacant_____

Requested by
Human Resources Committee

02-10-15

Terri M. Palm: 01-13-15

APPROVED: Administrator: BW; Corp. Counsel: JBW; Finance Director: BL